HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 19th, 2006

Criminal Misc. Bail Application No.309 of 2006

Order on the bail application of the accused

CRIMINAL SIDE

Mahipal S/o Parma
R/o Akbar pur Uad
P.S. Laksar
District Haridwar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No.4 of 2006
Under Sections 376, 506, 315 IPC
P.S. Laksar
District Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri Navneet Kaushik learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was alleged in the FIR that about three months back when the victim was in the field for cutting the grass, the applicant committed rape upon her. The FIR was lodged on 03.01.2006 and the abortion was done on 31.12.2005. The girl was medically examined on 03.01.2006 and it was mentioned in the medical report that the girl was having menses. It was contended that the girl was a consenting party. It was further contended that the girl did not state to her parents with regard to her pregnancy, but she stated about her pregnancy to the present applicant. The victim was taken to the doctor by the applicant. The girl remained outside her house on 31.12.2005 when the her abortion was done, but no inquiry was made by her parents. The doctor has opined that the girl was below 18 years of age. The statement of the girl was recorded on 08.01.2006 and statement under section 161 Cr.P.C. was recorded on 21.1.2006. Even the statement of the complainant was recorded on 5.1.2006. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 19.04.2006 **(J.C.S. Rawat, J.)**

LSR